

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

RECEIVED
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2017 MAY -9 PM 5:01
S.D. OF N.Y.

Wilhelmina "Mina" MONTGOMERY

Write the full name of each plaintiff.

17CV 3489

(Include case number if one has been assigned)

-against-

Agnieszka HOLLAND

NBC-TV

Lionsgate Entertainment

(Please see additional defendants attached)

Write the full name of each defendant. If you need more space, please write "see attached" in the space above and attach an additional sheet of paper with the full list of names. The names listed above must be identical to those contained in Section II.

COMPLAINT

Do you want a jury trial?

☒ Yes ☐ No

NOTICE

The public can access electronic court files. For privacy and security reasons, papers filed with the court should therefore *not* contain: an individual's full social security number or full birth date; the full name of a person known to be a minor; or a complete financial account number. A filing may include *only*: the last four digits of a social security number; the year of an individual's birth; a minor's initials; and the last four digits of a financial account number. See Federal Rule of Civil Procedure 5.2.

SCOTT ABBOTT

James Wong

DAVID A. STERN

Robert BERNACCHI

Alexandra WITLIN

Time-Warner, Inc.

Joshua D. MAURER

Cicely SALDANA

Marisel SALDANA

Zoe SALDANA

Tom PATRICIA

I. BASIS FOR JURISDICTION

Federal courts are courts of limited jurisdiction (limited power). Generally, only two types of cases can be heard in federal court: cases involving a federal question and cases involving diversity of citizenship of the parties. Under 28 U.S.C. § 1331, a case arising under the United States Constitution or federal laws or treaties is a federal question case. Under 28 U.S.C. § 1332, a case in which a citizen of one State sues a citizen of another State or nation, and the amount in controversy is more than \$75,000, is a diversity case. In a diversity case, no defendant may be a citizen of the same State as any plaintiff.

What is the basis for federal-court jurisdiction in your case?

☒ Federal Question

☒ Diversity of Citizenship

A. If you checked Federal Question

Which of your federal constitutional or federal statutory rights have been violated?

My Intellectual Property Rights and my Copyrighted
Writings were infringed

B. If you checked Diversity of Citizenship

1. Citizenship of the parties

Of what State is each party a citizen?

The plaintiff, Wilhelmina "Mina" MONTGOMERY, is a citizen of the State of
(Plaintiff's name)

New York

(State in which the person resides and intends to remain.)

or, if not lawfully admitted for permanent residence in the United States, a citizen or subject of the foreign state of

If more than one plaintiff is named in the complaint, attach additional pages providing information for each additional plaintiff.

If the defendant is an individual:

The defendant, NBC^{Corporation}, is a ~~citizen~~ of the State of
(Defendant's name)

New York

or, if not lawfully admitted for permanent residence in the United States, a citizen or subject of the foreign state of

If the defendant is a corporation:

The defendant, NBC, is incorporated under the laws of
the State of New York

and has its principal place of business in the State of New York
or is incorporated under the laws of (foreign state) _____

and has its principal place of business in New York.

If more than one defendant is named in the complaint, attach additional pages providing information for each additional defendant.

II. PARTIES

A. Plaintiff Information

Provide the following information for each plaintiff named in the complaint. Attach additional pages if needed.

Williamina "Mira" Montgomery
First Name Middle Initial Last Name
C/O Deborah McIntyre
225 Sterling Place Apt. 6R
Street Address
Brooklyn NY 11238
County, City State Zip Code
(646) 851-3496 wmtxt@gmail.com
Telephone Number Email Address (if available)

B. Defendant Information

To the best of your ability, provide addresses where each defendant may be served. If the correct information is not provided, it could delay or prevent service of the complaint on the defendant. Make sure that the defendants listed below are the same as those listed in the caption. Attach additional pages if needed.

Defendant 1: NBC-TV
 First Name Last Name
1
 Current Job Title (or other identifying information)
(to be supplied at a later date)
 Current Work Address (or other address where defendant may be served)
New York NY
 County, City State Zip Code

Defendant 2: Agnieszka Holland
 First Name Last Name
Film Director
 Current Job Title (or other identifying information)
New York University Film Department, NY, NY
 Current Work Address (or other address where defendant may be served)
New York
 County, City State Zip Code

Defendant 3: David A. STERN
 First Name Last Name
Executive Producer
 Current Job Title (or other identifying information)
(to be supplied at a later date)
 Current Work Address (or other address where defendant may be served)
New York NY
 County, City State Zip Code

Defendant 4:

First Name

Last Name

Film Distributors

Current Job Title (or other identifying information)

(to be supplied at a later date)

Current Work Address (or other address where defendant may be served)

Los Angeles

CA

County, City

State

Zip Code

III. STATEMENT OF CLAIM

Place(s) of occurrence:

United States of America; broadcast
of film throughout the 50 states

Date(s) of occurrence:

May 11th, 2014

FACTS:

State here briefly the FACTS that support your case. Describe what happened, how you were harmed, and what each defendant personally did or failed to do that harmed you. Attach additional pages if needed.

Please see attached Complaint hereafter
in short form.

Plaintiff wishes to amend this complaint
with the 105 pages of findings at
a later date.

INJURIES:

If you were injured as a result of these actions, describe your injuries and what medical treatment, if any, you required and received.

IV. RELIEF

State briefly what money damages or other relief you want the court to order.

I ask the Court to order relief in the amount of \$10,000,000.⁰⁰

V. PLAINTIFF'S CERTIFICATION AND WARNINGS

By signing below, I certify to the best of my knowledge, information, and belief that: (1) the complaint is not being presented for an improper purpose (such as to harass, cause unnecessary delay, or needlessly increase the cost of litigation); (2) the claims are supported by existing law or by a nonfrivolous argument to change existing law; (3) the factual contentions have evidentiary support or, if specifically so identified, will likely have evidentiary support after a reasonable opportunity for further investigation or discovery; and (4) the complaint otherwise complies with the requirements of Federal Rule of Civil Procedure 11.

I agree to notify the Clerk's Office in writing of any changes to my mailing address. I understand that my failure to keep a current address on file with the Clerk's Office may result in the dismissal of my case.

Each Plaintiff must sign and date the complaint. Attach additional pages if necessary. If seeking to proceed without prepayment of fees, each plaintiff must also submit an IFP application.

May 9th 2017 _____
 Date _____ Plaintiff's Signature _____
 Wilhelmina "Mina" Montgomery, c/o Deborah McIntyre
 First Name Middle Initial Last Name
 225 Sterling Place, Apt 6R
 Street Address
 Brooklyn NY 11238
 County, City State Zip Code
 (646) 851-3496 wmtxt@gmail.com
 Telephone Number Email Address (if available)

I have read the Pro Se (Nonprisoner) Consent to Receive Documents Electronically:

☒ Yes ☐ No

If you do consent to receive documents electronically, submit the completed form with your complaint. If you do not consent, please do not attach the form.

Notice: The nature of this action is [briefly describe the nature of your case against the defendant(s), such as, breach of contract, negligence]:

The nature of this complaint, in my thoroughly researched opinion, is infringement of intellectual property and copyright infringement of two of my short stories that were adapted to a mini series made for television, shown on NBC, sold on DVD and streamed all over the world on the Internet.

The relief sought is [briefly describe the kind of relief you are asking for, such as, money damages of \$25,000] The relief sought is \$10,000,000.⁰⁰

Should defendant(s) fail to appear herein, judgment will be entered by default for the sum of _____ [amount of money demanded], with interest from the date of _____ [date from which interest on the amount demanded is claimed] and the costs of this action.

Venue:

Plaintiff(s) designate New York County as the place of trial. The basis of this designation is

[check box that applies]:

☐ Plaintiff(s) residence in New York County

☒ Defendant(s) residence in New York County

☒ Other [See CPLR Article 5]: Plaintiff's residence in Brooklyn

NBC Headquarters are in New York County.

SUPREME COURT OF THE STATE OF NEW YORK
COUNTY OF NEW YORK

Wilhelmina MONTGOMERY
Plaintiff,

Index No. _____/20____

COMPLAINT

-Against-

Agnieszka HOLLAND, Scott ABBOTT, James WONG,
David A. STERN, Robert BERNACCHI, Alexandra
WITLIN, NBC-TV, Time Warner, Joshua D. MAURER,
Cicely SALDANA, Maniel SALDANA,
Zoe SALDANA, LIONSCATE ENTERTAINMENT - Defendant,
ment, TOM PATRICIA _____ x

TO THE SUPREME COURT OF THE STATE OF NEW YORK

The complaint of the plaintiff Wilhelmina MONTGOMERY, respectfully
shows and alleges as follows:

After querying one of the defendants, Agnieszka HOLLAND,
a film director whom I have known for nearly 30
years, by e-mail, and asked her if I could send her
some of my writing, Mrs HOLLAND answered by e-mail
to say that she would be pleased to read some of my
work. I then sent her two(2) of my short stories, one
of which is a true story that happened to me in
Paris, France; the second short story is a fictionalized
version of the true story.

Mrs. HOLLAND wrote to me again by e-mail and
stated that my writings was "beautiful", that my
characters were "vivid and sensual", and that
my short stories were "in the tradition of the best
american short stories."

Two years later Ms HOLLAND, her producers, supposed writers and film crew shot a film in Paris, France (where I had lived, written and developed the setting, the characters, the scenes, the storyline and the dialogue for my two short stories). They entitled the film "Rosemary's Baby the Mini Series. After watching it more than fifteen times and taking notes ~~minute~~-by-minute and scene-by-scene, I am of the carefully researched opinion that the defendants infringed every single paragraph of my two (2) short stories and adapted them for their film.

The titles of my two short stories sent to the Director, Ms. HOLLAND, and read and critiqued ^{by e-mail,} by her are "The Crooning Road the True Story" and "The Crooning Road the Fictionalized Story."

Dozens of press reviews of the resulting film ask some of the same questions as I, the Plaintiff, ask. For example, many reviewers wondered, (1) Why does "Rosemary's Baby" the remake take place in Paris, France? (2) Why is one of the leading characters now a university English teacher (as I the plaintiff am) and writer (as I am) instead of a Broadway actor in New York, as was the case in the original film? (3) Why are the characters portraying the Woodhouses

now an interracial couple of a white man and a Black woman, as are my leading or main characters? (4) Why did Ms. HOLLAND add the bloody, gorey twist at the end of "Rosemary's Baby" the mini series? How could the supposed writers not have adapted it from my two short stories? (5) How could the two major time lines in the film be the same as the major time lines in my two (2) short stories, 1986 to 2006?

My documented research of 105 pages show verbatim dialogue in the film taken from my short story. It also shows exact scenes, setting and character development as those in my 2 stories, "The Groaning Road The True Story" and "The Groaning Road The Fictionalized Story".

Not one of these infringements is a coincidence, and they are flagrant ones, committed over and over.

It is my sincere belief that ^{the reason} such copyright theft takes place so often is that some people have adopted the attitude that they are above the law because they can hire lawyers that others cannot hire. But I still want to believe that justice exists.

In conclusion, I seek justice as someone who has been wronged, wronged when the film was shown on NBC-TV on May 11th, 2014; and wronged when Mrs. HOLLAND, ^{presumably} gave it to her supposed writers and producers without one cent of remuneration paid me by all these wealthy people. And I am an unemployed writer.

Dated: May 9th, 2017

Plaintiff

VERIFICATION

_____, being duly sworn, deposes and says:

I am the plaintiff in the above-entitled action. I have read the foregoing complaint and know the contents thereof. The same are true to my knowledge, except as to matters therein stated to be alleged on the information and belief and as to those matters I believe them to be true.

Signature

Print Name

Sworn to before me this
____ day of _____ 20____

Notary Public